

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN ERIC SANDLES,

Plaintiff,

v.

U.S. MARSHAL'S SERVICE, et al.,

Defendants.

Case Number: 04-72426

JUDGE PAUL D. BORMAN
MAG. JUDGE STEVEN D. PEPE
UNITED STATES DISTRICT COURT

**ORDER ACCEPTING, WITH ONE MINOR CLARIFICATION, MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION GRANTING DEFENDANT'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT AND DENYING PLAINTIFF
LEAVE TO AMEND HIS COMPLAINT**

Now before the Court is the Magistrate Judge's Report and Recommendation, filed on June 24, 2005, granting Defendant's motion to dismiss Plaintiff's Complaint and denying Plaintiff's motion to amend his Complaint.

Having reviewed that Report and Recommendation, Plaintiff's objections thereto, and Defendant's response to those objections, the Court enters as its findings and conclusions the Report and Recommendation dismissing Plaintiff's Complaint and denying Plaintiff leave to amend that Complaint, with one minor clarification. To the extent that the Report and Recommendation, as an alternate ground for denying Plaintiff leave to amend his Complaint, relies upon *Heck v. Humphrey*, 512 U.S. 477, 487 (1994), such reliance pertains only to

Plaintiff's denial-of-medication claims, not to his assault claims.

SO ORDERED

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: August 8, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on August 8, 2005.

s/Jonie Parker

Case Manager